

**UNAPPROVED - DRAFT**

**BOARD OF DENTISTRY**

**MINUTES**

**SPECIAL CONFERENCE COMMITTEE "C"**

**TIME AND PLACE:** Special Conference Committee "C" convened on October 3, 2008, at 9:50 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

**APPROVAL OF MINUTES** Myra Howard moved to approve the minutes of the Special Conference Committee "D" meeting held on August 8, 2008, and Special Conference Committee "C" meeting held on August 1, 2008. The motion was seconded and passed.

**FIRST CONFERENCE** 9:50 a.m.  
**PRESIDING:** Jeffrey Levin, D.D.S.

**MEMBERS PRESENT:** Robert Hall, D.D.S.  
Myra Howard

**STAFF PRESENT:** Alan Heaberlin, Deputy Executive Director  
Gail Ross, Adjudication Specialist

**QUORUM:** All three members of the Committee were present.

**James E. Moller, D.D.S.** Dr. Moller appeared in accordance with a Notice of the Board  
**Case No.: 118962** dated July 7, 2008. The Committee received statements from Dr. Moller and his business partner Harold Seigel, D.D.S. and fully discussed the allegations in the Notice with Dr. Moller.

**Closed Meeting:** Dr. Hall moved that the Committee convene in a closed session. The motion was seconded and passed.

**Reconvene:** Dr. Hall moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:** Ms. Ross reported that the Committee found Dr. Moller in violation for failing to deliver the permanent bridge because of a payment dispute and decided not to impose a sanction because Dr. Moller had completed continuing education.  
**Case No. 118962**

Dr. Hall moved to adopt the decision of the Committee. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order**

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**thirty days after service of such on Dr. Moller unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Moller. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

**SECOND CONFERENCE**

**PRESIDING:**

10:40 a.m.  
Jeffrey Levin, D.D.S.

**MEMBERS PRESENT:**

Robert Hall, D.D.S.  
Myra Howard

**STAFF PRESENT:**

Alan Heaberlin, Deputy Executive Director  
Gail Ross, Adjudication Specialist

**QUORUM:**

All three members of the Committee were present.

**John Swope, D.D.S.  
Case No.: 104933**

Mr. Heaberlin announced that Dr. Swope was originally scheduled for an informal conference before an agency subordinate on August 29, 2008; however, Dr. Swope requested and was granted a continuance, and the case was now before a special conference committee of the Board of Dentistry. Dr. Swope voiced no objections to the change.

Dr. Swope appeared with counsel Neil McNally, Esquire to discuss the allegations set forth in a Notice of the Board dated June 25, 2008. The Committee received statements from Dr. Swope and his attorney and discussed the allegations in the Notice with them.

**Closed Meeting:**

Dr. Hall moved that the Committee convene a closed session. The motion was seconded and passed.

**Reconvene:**

Dr. Hall moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:  
Case No. 104933**

Ms. Ross reported that the Committee found Dr. Swope in violation for failing to obtain available radiographic evidence and/or take current radiographs to support his clinical decision to extract tooth #15 and decided to impose a monetary penalty of \$1,000.00 and to require completion of 8 hours of continuing education in risk management within 6 months from the date of entry of the Order.

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Dr. Hall moved to adopt the decision of the Committee. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Swope unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Swope. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

**THIRD CONFERENCE  
PRESIDING:**

11:50 a.m.  
Jeffrey Levin, D.D.S.

**MEMBERS PRESENT:**

Robert Hall, D.D.S.  
Myra Howard

**STAFF PRESENT:**

Alan Heaberlin, Deputy Executive Director  
Gail Ross, Adjudication Specialist

**QUORUM:**

All three members of the Committee were present.

**Michael McIntire, D.D.S.  
Case No.: 114516**

Dr. McIntire appeared with counsel Doug Coleman, Esquire to discuss the allegations set forth in a Notice of the Board dated June 20, 2008. The Committee received statements from Dr. McIntire and his attorney and discussed the allegations in the Notice with them. The Committee also received statements from Patient A.

**Closed Meeting:**

Dr. Hall moved that the Committee convene in a closed session. The motion was seconded and passed.

**Reconvene:**

Dr. Hall moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**DECISION:  
Case No. 114516**

Ms. Ross reported that the Committee found Dr. McIntire in violation for failing to properly restore Patient A's and Patient B's teeth when he delivered crowns and bridgework and for failing to document Patient A's record to include a diagnosis for treatment rendered and a list of drugs administered and the quantity. In addition, he was found to be in violation for failing to consistently document the type and/or amount of anesthetic used for Patient B.

The sanctions reported by Ms. Ross were that Dr. McIntire be assessed a monetary penalty of \$5,000.00, and that he take 8

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hours of continuing education in fixed prosthodontics and 4 hours in recordkeeping within 6 months from the date of entry of the Order.

Dr. Hall moved to adopt the decision of the Committee. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. McIntire unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. McIntire. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

**FOURTH CONFERENCE  
PRESIDING:**

2:05 p.m.  
Jeffrey Levin, D.D.S.

**MEMBERS PRESENT:**

Robert Hall, D.D.S.  
Myra Howard

**STAFF PRESENT:**

Alan Heaberlin, Deputy Executive Director  
Gail Ross, Adjudication Specialist  
Grace Sauls, Administrative Assistant

**Darioush Dan Ashouripour,  
D.D.S.  
Case No.: 110670**

Dr. Ashouripour appeared with counsel Randell Norton, Esquire to discuss the allegations set forth in a Notice of the Board dated July 8, 2008. The Committee received statements from Dr. Ashouripour and his attorney and discussed the allegations in the Notice with them.

**Closed Meeting:**

Dr. Hall moved that the Committee convene a closed session. The motion was seconded and passed.

**Reconvene:**

Dr. Hall moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were heard, discussed or considered by the Committee. The motion was seconded and passed.

**Decision:  
Case No.: 114516**

Ms. Ross reported that the Committee found Dr. Ashouripour in violation for failing to properly evaluate Patient A and for improperly placing implants and subsequently failing to recognize and/or treat complications. In addition, the Committee found Dr. Ashouripour in violation for failing to document Patient A's record to include a list of drugs prescribed, administered, and/or dispensed, and the quantity and for failing

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to provide a copy of the patient’s record within the required 15 day period following the written request.

The sanctions reported by Ms. Ross were that Dr. Ashouripour be assessed a monetary penalty of \$3,000.00, and have an unannounced inspection within 12 months of entry of the Order.

Dr. Hall moved to adopt the decision of the Committee. The motion was seconded and passed.

**As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Ashouripour unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Ashouripour. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.**

**ADJOURNMENT:**

With all business concluded, the Committee adjourned at 4:10 p.m.

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Jeffrey Levin, D.D.S., Chair

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Sandra K. Reen, Executive Director

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Date

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Date